

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 903, L.D. 1260, Bill, "An Act Relating to the Disclosure of Information Concerning Used Motor Vehicles at the Time of Sale or Transfer"

Amend the bill in section 2 in subsection 3 in the last paragraph in the 3rd line (page 2, lines 3 to 6 in L.D.) by striking out the following: "including replacement of mechanical and body parts, exceeds an amount that is greater than 25% of the National Automobile Dealer's Association's average retail value of the vehicle at the time the damage occurred" and inserting in its place the following: 'at the time of repair, including replacement of mechanical and body parts, exceeded by 3 times the amount of damage that would at the time of the collision have required a report of the collision to a law enforcement agency under the provisions of Title 29, section 891'

Further amend the bill by striking out all of section 4 and inserting in its place the following:

'Sec. 4. 10 MRSA §1477, sub-§3, as enacted by PL 1983, c. 311, §5, is amended to read:

3. Private remedies. In addition to any other remedy, if a dealer violates this chapter, he that dealer is liable to the purchaser in an amount determined by the court of not less than \$100 nor more than \$1,000 as liquidated damages, and for costs and reasonable attorney's fees. No action may be brought under this subsection more than 2 years after the date of the occurrence of the violation. No dealer may be held liable under this subsection if he that dealer shows by a preponderance of the evidence that the violation was unintentional and a bona fide error, notwithstanding the maintenance of procedures reasonably adopted to avoid any such error.

In addition to any other remedy, if a dealer or the seller of a used motor vehicle who sells the vehicle to another dealer fails to disclose facts concerning that vehicle which are required to be disclosed by the provisions of section 1475, which facts were known by the dealer or seller at the time the disclosure was

1 made, the dealer or seller is liable to the purchasing dealer in
2 an amount determined by the court of not less than \$100 nor more
3 than \$1,000 as liquidated damages, and for costs and reasonable
4 attorney's fees. No action may be brought under this subsection
5 more than 30 months after the date of the occurrence of the
6 violation.'

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STATEMENT OF FACT

11 This amendment changes the definition of substantial
12 collision damage, currently \$500, in the original bill to an
13 amount greater than 3 times the amount of property damage that
14 requires that an accident be reported to the police. It
15 eliminates the provision which reduced the time period within
16 which action can be brought against a dealer for failure to
17 report damage, currently 2 years, and the provision that the
18 owner must discover the failure to report damage within 30 days
19 of purchase. Lastly, it eliminates the provision that the dealer
20 can subtract 15¢ a mile for customer use of a returned vehicle
21 whose damage was not reported.

Reported by the Committee on Business Legislation
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5/9/89 (Filing No. H-165)